

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YOHANIA MARTIN,

No. C 15-03119 JSW

Plaintiff,

v.

SUSAN JAKUBOWSKI,

Defendant.

**ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*,
DISMISSING ACTION WITH LEAVE TO
AMEND, AND VACATING CASE
MANAGEMENT CONFERENCE**

Now before the Court is the application to proceed *in forma pauperis* filed by plaintiff Yohania Martin (“Plaintiff”), who is proceeding pro se. Having carefully reviewed Plaintiff’s papers and considered her arguments and the relevant legal authority, and good cause appearing, the Court hereby DENIES her application to proceed *in forma pauperis* and DISMISSES the action with leave to amend. The Court VACATES the case management conference set for October 9, 201 at 11:00 a.m. The case management conference shall be reset by further order, if necessary upon amendment.

A district court may deny in forma pauperis status and sua sponte dismiss an action under certain circumstances, including when the underlying complaint sought to be filed is frivolous or when it fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2); *see also Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). In contravention of Federal Rule of Civil Procedure 8(a), Plaintiff has failed to file a pleading setting forth the grounds upon which this Court has jurisdiction, “a short and plain statement of the claim showing that the pleader is entitled to relief, . . . and a demand for judgment for the relief the pleader seeks.” It is not clear what facts

1 Plaintiff alleges occurred, where the former case was filed or heard, or why she does not have access
2 to the court records through public means. In the absence of such allegations, Plaintiff fails to state
3 a claim.

4 Accordingly, Plaintiff's application to proceed *in forma pauperis* is HEREBY DENIED and
5 the Complaint is DISMISSED WITH LEAVE TO AMEND. If Plaintiff wishes to pursue this
6 action, she must file an amended complaint setting forth a cognizable legal claim and some specific
7 factual basis to support a claim with federal jurisdiction by **October 2, 2015**. Plaintiff may file a
8 renewed application to proceed *in forma pauperis* upon filing an amended complaint. Failure to file
9 timely an amended complaint shall result in dismissal of this action without prejudice.

10 The Court advises Plaintiff that a Handbook for Pro Se Litigants, which contains helpful
11 information about proceeding without an attorney, is available through the Court's website or in the
12 Clerk's office. The Court also advises Plaintiff that he also may wish to seek assistance from the
13 Legal Help Center. Plaintiff may call the Legal Help Center at (415) 782-8982 or sign up on the
14 15th Floor of the San Francisco Courthouse, Room 2796, or on the 4th Floor of the Oakland
15 Courthouse, Room 470S, for a free appointment with an attorney who may be able to provide basic
16 legal help, but not legal representation.

17 **IT IS SO ORDERED.**

18 Dated: September 10, 2015


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE